

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
<b>ROGER WAHL</b>	)	MB Docket No. 21-401
	)	
WQZS(FM), Meyersdale, PA	)	Facility ID No. 57424
	)	

**ORDER**

**Issued: April 5, 2022****Released: April 5, 2022**

1. This Order grants the Enforcement Bureau's motion of April 1, 2022, for leave to correct an error in its Motion to Compel Roger Wahl to respond to its first request for documents.<sup>1</sup> The Enforcement Bureau seeks to correct the statement in its Motion to Compel that Mr. Wahl had not responded to an email that it sent after the date a response to its document requests was due. The Enforcement Bureau submits that Mr. Wahl did respond to that email to indicate that he sent documents to the Bureau's email address. The Presiding Judge finds it in the public interest to grant that motion prior to the expiration of the time for filing oppositions so as to provide immediate clarity regarding applicable deadlines.<sup>2</sup>

2. The Enforcement Bureau's first document request to Mr. Wahl was filed on March 14, 2022, and specified that a response was due within 10 calendar days.<sup>3</sup> On March 26, after the due date, Mr. Wahl emailed to the Enforcement Bureau documents that it appears were intended to be responsive. In that email, Mr. Wahl indicated that he received an error message when he tried to upload the documents into the Commission's Electronic Comment Filing System (ECFS).<sup>4</sup> Documents in a hearing proceeding must be entered into ECFS in order to be considered filed.<sup>5</sup> While parties are also required to email submissions to the other party and the Office of Administrative Law Judges, emailing is not a legal substitute for filing. Failure to file documents in accordance with the Commission's rules can have negative consequences, up to and including termination of the proceeding and, in turn, license revocation. Filers needing technical assistance with ECFS should contact ECFS Help, either via email or telephone, as instructed on the ECFS webpage. Mr. Wahl is directed to upload those documents into ECFS no later than April 8, 2022, and is directed to send a new email to the Presiding Judge, her Special Counsel, and the Enforcement Bureau transmitting those documents.<sup>6</sup>

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<sup>1</sup> Enforcement Bureau's Motion for Leave to File Corrected Motion to Compel Roger Wahl's Response to the Enforcement Bureau's First Document Requests, MB Docket No. 21-401 (filed Apr. 1, 2022) (*EB Corrected Motion to Compel*).

<sup>2</sup> See 47 CFR § 1.298(a). Moreover, as the correction is beneficial to Mr. Wahl, it is presumed that he does not oppose it.

<sup>3</sup> Enforcement Bureau's First Request for Production of Documents and Things to Roger Wahl, MB Docket No. 21-401 (filed Mar. 14, 2022).

<sup>4</sup> *EB Corrected Motion to Compel* at Attachment A, Exhibit B.

<sup>5</sup> 47 CFR § 1.210.

<sup>6</sup> The Presiding Judge's email address is [Jane.Halprin@fcc.gov](mailto:Jane.Halprin@fcc.gov); the email address for Special Counsel John B. Adams is [JohnB.Adams@fcc.gov](mailto:JohnB.Adams@fcc.gov).

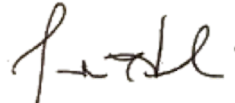
3. In addition to resubmitting the aforementioned documents, Mr. Wahl is directed to respond to the Enforcement Bureau's Motion to Compel. That motion was filed on March 31, 2022.<sup>7</sup> The deadline in the Commission's rules for responding to an interlocutory request in a hearing proceeding, such as the Bureau's motion to compel production of documents, is four business days after the request is filed unless otherwise specified.<sup>8</sup> The Enforcement Bureau asks that the four-day period be counted from April 1, the date it sought leave to file its corrected motion. The Presiding Judge finds good cause to extend the four-day period to allow Mr. Wahl additional time to respond. Mr. Wahl's response to the Enforcement Bureau's March 31 Motion to Compel is now due on or before April 14, 2022. As noted above, this submission, like all submissions in this hearing proceeding, is to be filed in ECFS and at the same time served on the Enforcement Bureau via email, with courtesy copies sent to the Presiding Judge and Special Counsel.

4. Accordingly, **IT IS ORDERED** that the Enforcement Bureau's Motion for Leave to File Corrected Motion to Compel Roger Wahl's Response to the Enforcement Bureau's First Document Requests, filed April 1, 2022, **IS GRANTED** to the extent indicated herein.

5. **IT IS FURTHER ORDERED** that Roger Wahl **SHALL UPLOAD** into the Commission's Electronic Comment Filing System documents that he previously provided to the Enforcement Bureau via email as described above, and **SHALL SEND** a copy of those documents via email to the Presiding Judge, her Special Counsel, and the Enforcement Bureau, on or before **APRIL 8, 2022**.

6. **IT IS FURTHER ORDERED** that Roger Wahl **SHALL FILE** a response to the Enforcement Bureau's Corrected Motion to Compel Roger Wahl's Response to the Enforcement Bureau's First Document Requests, filed April 1, 2022, on or before **APRIL 14, 2022**.

FEDERAL COMMUNICATIONS COMMISSION



Jane Hinckley Halprin  
Administrative Law Judge

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<sup>7</sup> Enforcement Bureau's Motion to Compel Roger Wahl's Response to the Enforcement Bureau's First Document Requests, MB Docket No. 21-401 (filed Mar. 31, 2022).

<sup>8</sup> 47 CFR §§ 1.294(b), 1.4(g). This is distinct from the due date for responding to a motion to compel answers to interrogatories, which pursuant to 47 CFR § 1.323(c) is seven calendar days after the motion is filed.